REMARKS

In an Office Action mailed March 18, 2004, the Examiner has: (i) objected to claim 39 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to other claims in the alternative only, (ii) rejected claims 34-41 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention, (iii) rejected claims 34, 39, and 40 under U.S.C. 103(a) as being unpatentable over Lin et al., *Fuel* 74:10, pp 1512-1521 (1995), (iv) rejected claims 1, 21, 22, 27, and 30, under 35 U.S.C. § 101 as claiming the same invention as that of claims 1, 18, 19, 20, and 21 of copending Application No. 10/052,636, (v) rejected claims 1-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over either claims 1-32 of copending Application No. 10/012,545 or claims 1-42 of copending Application No. 10/052,636, and (vi) rejected claims 1-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application Nos. 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334.

In this response, claims 34-41 have been canceled, and claims 21 and 42-47 have been amended. No new claims have been added. Thus, claims 1-33 and 42-47 are pending. No new matter is added by entry of these amendments.

Turning now to the rejections of record, and the Applicants' response thereto:

Claim Objections, and Section 112 and Section 103 Rejections

The Examiner has objected to claim 39 under 37 CFR 1.75, rejected claims 34-41 under 35 U.S.C. §112, and rejected claims 34, 39, and 40 under U.S.C. 103(a) as being unpatentable over Lin et al.

In this response, Applicants have canceled claims 34-31. Thus, it is believed that the Examiner's objection to claim 39, rejections of claims 34-41 under 35 U.S.C. §112, and rejections of claims claims 34, 39, and 40 under U.S.C. 103(a) are overcome.

Section 101 Statutory Type Double Patenting Rejections

The Examiner has rejected claims 1, 21, 22, 27, and 30, under 35 U.S.C. § 101 as claiming the same invention as that of claims 1, 18, 19, 20, and 21, respectively, of copending Application No. 10/052,636. Claims 1, 18, 19, and 20 of copending Application No. 10/052,636 have been canceled, and thus Applicants submit that the Section 101 statutory type double patenting rejections of claims 1, 21, 22, and 27 are overcome.

Applicants submit, however, that claim 30 of the present application does not claim the same subject matter as claim 21 of copending Application No. 10/052,636. The difference is that step c) of claim 30 of the present application is directed to "...recovery of the selected higher diamondoid component or components from the pyrolytically treated feedstock...," whereas step c) of claim 21 of copending Application No. 10/052,636 is directed to "...recovery of the selected higher diamondoid component or components from the thermally treated feedstock...." Although pyrolysis is a thermal treatment, there may be thermal treatments that are not pyrolysis.

In view thereof, applicants respectfully request that the Section 101 statutory type double patenting rejections of claims 1, 21, 22, 27, and 30 be withdrawn.

Non-Statutory Obvious-Type Double Patenting Rejections

The Examiner has rejected claims 1-47 over either claims 1-32 of copending Application No. 10/012,545 or claims 1-42 of copending Application No. 10/052,636, and rejected claims 1-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application Nos. 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334.

Applicants believe that claims 1-47 are patentably distinct over the claims of the copending Application Nos. 10/012,545, 10/052,636, 10/012,333, 10/012,709,

10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334. However, to facilitate allowance of the present application, applicants herewith submit terminal disclaimers over the 10/012,545, 10/052,636, 10/012,333, 10/012,709, 10/012,704, 10/012,337, 10/012,546, 10/012,336 and 10/012,334 applications under separate cover. The filing of a Terminal Disclaimer is not to be construed as an admission of the propriety of the rejection on obviousness-type double patenting. Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view thereof, applicants respectfully request that the obviousness-type double patenting rejections of claims 1-47 be withdrawn.

Amendment of Claims 21 and 42-47

Claims 21 and 42-47 have been amended to correct typographical errors only. Claim 21 has been amended to correct the spelling of the work "recrystallization," and claims 42-47 have been amended to add the word "and" after the penultimate step.

Conclusions

In view of the foregoing, claims 1-33 and 42-47 are believed to be in condition for allowance. Favorable reconsideration and withdrawal of the Examiner's Section 101 statutory type double patenting rejection of claims 1, 21, 22, 27, and 30, and withdrawal of the Examiner's non-statutory type obviousness-type double patenting rejections of claims 1-47 are therefore respectfully requested.

Respectfully submitted,
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